

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

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CAMOFI MASTER LDC,

Plaintiff,

— against —

Case No. 09 CIV 00058

ECF CASE (AKH)

AFFIDAVIT

LISKA BIOMETRY, INC., LISKA IMAGING, INC., DCS
LISKA, INC., DCS LISKA EUROPE, INC., DCS EUROPE,
INC. and DIGITAL CARD SYSTEMS, INC.,

Defendants.
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LISKA BIOMETRY, INC., LISKA IMAGING, INC., DCS
LISKA, INC., DCS LISKA EUROPE, INC., DCS EUROPE,
INC. and DIGITAL CARD SYSTEMS, INC.,

Third-Party Plaintiffs,

— against —

Case No. 09 CIV 00058

ECF CASE (AKH)

CENTRECOURT ASSET MANAGEMENT, LLC,

Third-Party Defendant.
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STATE OF NEW YORK)
) SS::
COUNTY OF NEW YORK)

MICHAEL LOEW, being duly sworn, deposes and says:

1. I am General Counsel of Plaintiff/Counterclaim Defendant CAMOFI MASTER LDC (“CAMOFI”) and General Counsel and Chief Compliance Officer of Third-Party Defendant Centrecourt Asset Management, LLC (“Centrecourt”) (CAMOFI and Centrecourt are hereinafter collectively referred to as “Movants”). I submit this affidavit in support of Movants’ motion for an Order pursuant to FED. R. CIV. P. §§ 9(b), 12(b)(6) dismissing the Counterclaims and Third-Party


Complaint (hereinafter collectively referred to as "Counterclaims") of Defendants/Counterclaim Plaintiffs Liska Biometry, Inc., Liska Imaging, Inc., DCS Liska, Inc., DCS Liska Europe, Inc., DCS Europe, Inc. and Digital Card Systems, Inc. (collectively "Defendants") on the grounds that: (a) Defendants have failed to allege fraud in the inducement with particularity as required by Rule 9(b) of the Federal Rules of Civil Procedure and (b) the Counterclaims fail to state a claim upon which relief can be granted as against the Movants, and for such other and further relief as this Court deems just and proper.

2. Attached hereto as Exhibit 1 is a true and correct copy of Defendants' Verified Answer and Counterclaims dated March 16, 2009.

3. Attached hereto as Exhibit 2 is a true and correct copy of Defendants' Third-Party Complaint dated March 20, 2009.


4. Attached hereto as Exhibit 3 is a true and correct copy of the Terms of Use from Centrecourt's website (www.centrecourtam.com).

5. Attached hereto as Exhibit 4 is a true and correct copy of the Term Sheet dated April 6, 2006 (and executed April 14, 2006) by and between Liska Biometry, Inc. and Digital Card Systems, Inc.



Michael Loew

Sworn to before me this
7 day of April 2009



Notary Public

Corey Meyer
Notary Public-State of New York
No.01ME6141104
Qualified in Nassau County
Commission Expires February 13, 2010